

Message Text

CONFIDENTIAL

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

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FM AMCONSUL JERUSALEM

TO SECSTATE WASHDC IMMEDIATE 7298

C O N F I D E N T I A L JERUSALEM 1349

EXDIS

FOR SCHWEBEL FROM LEIGH

E.O. 11652: GDS

TAGS: PFOR, IS

SUBJECT: STRAITS BAB EL MANDEB

1. AT NEGOTIATING SESSION, THIS MORNING AT MINISTRY FOREIGN AFFAIRS ROSENNE PROPOSED SUBSTITUTE FOR PARAGRAPH 17 OF DRAFT (AS DISCUSSED AUGUST 19, 1975) MEMORANDUM OF UNDERSTANDING WITH ISRAEL AS PREVIOUSLY AGREED.

2. PROPOSED SUBSTITUTE READS AS FOLLOWS: QUOTE: WITHOUT DEROGATING FROM THE PRINCIPLE OF FREEDOM OF NAVIGATION ON THE HIGH SEAS AND THROUGH INTERNATIONAL WATERWAYS, THE USG REGARDS, INTERA ALIA, THE STRAITS OF BAB EL MANDEB LEADING INTO THE RED SEA AS AN INTERNATIONAL WATERWAY. IT WILL STRONGLY SUPPORT ISRAEL'S RIGHT TO FREE AND UNIMPEDED PASSAGE THROUGH THOSE STRAITS. THE USG ALSO RECOGNIZES ISRAEL'S RIGHT TO FREEDOM OF FLIGHTS OVER THE RED SEA AND ITS APPROACHES AND WILL SUPPORT STRONGLY THE EXERCISE OF THAT RIGHT. IN THE EVENT OF ANY INTERFERENCE WITH THE PASSAGE OF ISRAELI SHIPS OR CARGOES THROUGH THE STRAITS OR WITH ISRAELI FLIGHTS OVER THE RED SEA AND ITS APPROACHES, THE US WILL CONSULT WITH ISRAEL ON HOW BEST TO ASSURE THE MAINTENANCE AND EXERCISE OF SUCH RIGHTS. UNQUOTE.

3. STATED REASON FOR CHANGE IS TO MOLLIFY APPREHENSIONS
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OF ISRAELI CABINET THAT GIBRALTER AND SIMILAR STRAITS MIGHT

BE CLOSED TO ISRAELI SHIPS AND CARGOES. APPARENTLY WORDS
IN SECOND SENTENCE OF SIBSTITUTE QUOTE THROUGH THOSE
STRAITS UNQUOTE INTENDED TO REFER BACK TO QUOTE INTER ALIA
UNQUOTE AND THUS ENCOMPASS OTHER STRAITS BESIDES BA EL MANDEB.

4. WE INCLINED TO REJECT SUBSTITUTE ON FORM ALONE AS
OVERLEGALISTIC, AWKWRAD AND AMBIGUOUS. MORE IMPORTANT, WE
NOTE THAT STRAITS OF TIRAN ALSO LEAD TO RED SEA. WOULD
APPRECIATE COMMETS IN LIGHT LOS NEGOTIATIONS.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FREEDOM OF NAVIGATION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 AUG 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975JERUSA01349
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750291-0535
From: JERUSALEM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750828/aaaaaxvv.tel
Line Count: 71
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 12 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 AUG 2003 by KelleyW0>; APPROVED <01 DEC 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STRAITS BAB EL MANDEB
TAGS: PFOR, IS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006